

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

PARADIGM LIVING CONCEPTS, )  
LLC d/b/a PARADIGM HEALTH, )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  )  
vs.                            ) Case No.: 1:20-cv-01066-TWP-DLP  
                                  )  
                                  )  
GREAT LAKES ACQUISITION, ) District Judge Tanya Walton Pratt  
CORP. d/b/a GREAT LAKES )  
CARING, a part of the ELARA )  
CARING NETWORK and ) Magistrate Judge Doris L. Pryor  
COMMUNITY HOME HEALTH )  
NETWORK OF INDIANA, LLC, a )  
part of the ELARA CARING )  
NETWORK,                    )  
                                  )  
Defendants.                    )  
                                  )  
                                  )  
vs.                            )  
                                  )  
AMY STONE, a nominal defendant. )

**Reply Brief in Support of Motion to Transfer Venue Under 28 U.S.C. § 1404 or in  
the Alternative for Dismissal Under Rule 12(b)(6)**

Plaintiff Paradigm Living Concepts, LLC now admits that this case should be transferred to the Eastern District of Michigan, where substantive litigation is pending. *See* R. 16, Pg ID 154. And she offers no argument in opposition to the alternate relief requested: that this case should be dismissed due to the pending substantive action. Procedurally, it would be easiest for the Court to dismiss. But if the Court does not, there is now no dispute that the case should be transferred.

The rest of Plaintiff's response brief is a tempest in a teapot. Contrary to Plaintiff's accusation (*id.* at 153), Defendants specifically said that "On March 4, 2020, Elara's counsel sent Paradigm and Stone a copy of the contract and demanded that (1) Stone stop violating her contract; and (2) that Paradigm stop tortiously interfering with that contract. *Id.* ¶ 43." R. 13, Pg ID 89. And Plaintiff's brief does not bother to contest that (a) Elara's counsel specifically thought negotiations were ongoing; (b) had asked Paradigm's outgoing counsel to facilitate those negotiations with incoming counsel; and that (c) the incoming counsel, fully aware of these facts, filed the declaratory judgment action without notice to Elara's counsel. Those are the sort of circumstances that *courts* suggest reflect improper litigation tactics: that is, a putative defendant filing a declaratory judgment action in the wrong forum because it knows it is about to be imminently sued elsewhere. *See id.* at 95. That is what happened here, but it is now beside the point.

### **Conclusion**

For the reasons set forth in Defendant's motion and brief, this case should be dismissed, or transferred to the Eastern District of Michigan, Southern Division.

Date: April 28, 2020

Respectfully submitted,

s/ Eric J. Pelton  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 28, 2020, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to all parties on record, and I hereby certify that I have cause to be served via U.S. Mail the foregoing document to the following non-ECF participants:

(No manual recipients)

*/s/Eric J. Pelton*

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